

## Formal Council Meeting Agenda



**FINISHED**

**Tempe City Council  
Formal Council Meeting  
Harry E. Mitchell Government Center  
Tempe City Hall - City Council Chambers  
31 East Fifth Street, Tempe, Arizona  
Thursday, November 17, 2011  
7:30 PM**

Members of the City Council may attend either in person or by telephone conference call.

**1. INVOCATION**

**2. PLEDGE OF ALLEGIANCE**

**3. MINUTES**

**A. Approval of Council Meeting and Council Committee Meeting Minutes**

1. [Formal Council Meeting - November 3, 2011](#)
2. [Issue Review Session - October 20, 2011](#)
3. Executive Session - November 3, 2011
4. [Sports, Tourism, Recreation, Arts & Cultural Development Council Committee - September 7, 2011](#)
5. [Technology, Economic & Community Development Council Committee - September 16, 2011](#)
6. [Neighborhood Quality of Life and Revitalization Council Committee - September 26, 2011](#)

**APPROVED**

**B. Acceptance of Committee, Board & Commission Meeting Minutes**

1. [Hearing Officer - October 4, 2011](#)
2. [Neighborhood Advisory Commission - October 5, 2011](#)
3. [Police Public Safety Personnel Retirement Board - October 6, 2011](#)
4. [Development Review Commission - October 11, 2011](#)
5. [Human Relations Commission - October 11, 2011](#)
6. [Historic Preservation Commission - October 13, 2011](#)
7. [Mayor's Youth Advisory Commission - October 18, 2011](#)
8. [Special Events Task Force - November 1, 2011](#)

**ACCEPTED**

**4. REPORTS AND ANNOUNCEMENTS**

- A. Mayor's Announcements
1. **Association of Metropolitan Water Agencies' 2011 Platinum Award for Utility Excellence**
  2. **Arizona Veterans Hall of Fame Inductees**
- B. Manager's Announcements

## 5. AGENDA

All items listed on the agenda will be considered as a group and will be enacted with one motion by the City Council unless an item is removed for separate consideration. Members of the public may remove public hearing items for separate consideration. Public hearing items are designated by an asterisk (\*). Councilmembers may remove any item for separate consideration.

Agenda items scheduled for Introduction/First Public Hearing will be heard, but will not be voted upon at this meeting. Items scheduled for Second Public Hearing/Final Adoption will be voted upon tonight.

'q-j' indicates quasi-judicial items. The City Council sits as a quasi-judicial body when hearing variances. In this situation, the City Council must conduct itself as a court, not as a legislative body. Pre-meeting contact with the City Council on quasi-judicial matters is prohibited. Any materials or conversations concerning the item shall only be presented to the City Council at the scheduled public hearing.

Legal Advice: If necessary, the City Council may vote to adjourn to executive session for the purpose of obtaining legal advice from the Council's attorney on any matter listed on the agenda pursuant to A.R.S §38-431.03(A)(3).

### A. Miscellaneous Items

- A1. [Request approval of the October 2011 Report of Claims Paid to be filed for audit.](#)

**COMMENTS**

This report is a compilation of all payments made through the City's accounts payable system during October 2011 that will be subject to audit by the City's external auditors.

**DOCUMENT NAME**

2011117fsnw01 ACCOUNTS PAYABLE (0208-01)

**APPROVED**

- \*A2. [This is the introduction and first public hearing required by federal law to obtain citizen input regarding how funds could be allocated for the Community Development Block Grant \(CDBG\) and Home Programs for the 2012-2013 fiscal year. The second public hearing is scheduled for April 26, 2012.](#)

**COMMENTS**

N/A

**DOCUMENT NAME**

20111117cdch01 COMMUNITY DEVELOPMENT BLOCK GRANT  
2012-2013 (0207-34)

**THE SECOND PUBLIC HEARING WAS SCHEDULED FOR APRIL 26, 2012**

- A3. [Request approval of Amendment No. 1 to the Amended and Restated Parking Agreement with the Downtown Tempe Community \(DTC\).](#)

**COMMENTS** This agreement C2010-148(A) is being amended to reflect a change to the Parking Facilities and associated map and exhibits. Additionally, paragraph 4.2.2. is being revised to reflect that the City Manager does not have authority to adjust parking rates as stated; this action can only be performed by a Resolution approved by the City Council.

**DOCUMENT NAME** 20111117cdhg01 DOWNTOWN TEMPE COMMUNITY (0109-30)

**APPROVED**

- \*A4. [Hold a public hearing to recommend the approval of a Series 12 restaurant liquor license for 203 Thai, LLC, dba 5 R Cha Thai Bistro, 203 East 7<sup>th</sup> Street.](#)

**COMMENTS** Lin Chai Rawlinson is the Agent for this application.  
**DOCUMENT NAME** 20111117fsap01 201228 – LIQ LIC (0210-02)

**APPROVED**

- \*A5. [Hold a public hearing to recommend the approval of a Series 03 domestic microbrewery liquor license for Cartel Ash Ave., LLC, dba Cartel Coffee Lab, 225 West University Drive, #101.](#)

**COMMENTS** Jason Ryan Silberschlag is the Agent for this application.  
**DOCUMENT NAME** 20111117fsap02 115604 LIQ LIC (0210-02)

**APPROVED**

- \*A6. [Hold a public hearing to recommend the approval of a Series 12 restaurant liquor license for Alfred Wilfredo Gomez and Maria Solorio Partnership, dba Muggshots @ The Kings Korner, 1212 East Apache Boulevard, #107-109.](#)

**COMMENTS** Alfred Wilfredo Gomez is the Agent for this application.  
**DOCUMENT NAME** 20111117fsap03 125087– LIQ LIC (0210-02)

**APPROVED**

- \*A7. [Hold a public hearing to recommend the approval of an acquisition of control of a Series 12 restaurant liquor license for Straight A+ LLC, dba Nacho Mama's, 5235 South Kyrene Road, #104-105.](#)

**COMMENTS** Jared Michael Repinski is the Agent for this application.  
**DOCUMENT NAME** 20111117fsap05125527 – LIQ LIC (0210-02)

**APPROVED**

**B. Award of Bids/Contracts**

- B1. [Request approval of a one-year contract renewal with Arizona Elevator Solutions for the inspection, service, testing, certification and repair of City elevators and lifts for use by the Public Works Department.](#)

**COMMENTS** Total cost of this contract will not exceed \$110,000 during the one-year contract renewal period. Approximately \$50,000 will be for preventative maintenance work, State required testing and compliance certification; \$60,000 is included for potential needed repairs of equipment.

**DOCUMENT NAME** 20111117fsta05 PURCHASES (1004-01)

**APPROVED**

- B2. [Request approval of one-year contract renewals with Pro Petroleum, Supreme Oil and Western Refining for the purchase of vehicle and equipment fuels for use by the Public Works Department.](#)

**COMMENTS** Total cost of these contracts will not exceed \$4,000,000 during the one-year contract renewal period.

**DOCUMENT NAME** 20111117fsta04 PURCHASES (1004-01)

**APPROVED**

- B3. [Request award of a professional services contract with C. Williams Construction Engineering, Inc. for utility plan review and inspection of CenturyLink's fiber infrastructure installation in the City's right of way.](#)

**COMMENTS** Total cost for this contract is \$127,920, which will be fully reimbursed by CenturyLink.

**DOCUMENT NAME** 20111117pwdr03 UNDERGROUND UTILITIES (0810-07)  
PROJECT NO. 6704591

**APPROVED**

- B4. [Request award of a construction manager at risk construction services contract with PCL Construction, Inc., and a construction management services contract with Water Works Engineers, LLC, and approval of an addendum to a design services contract with Jacobs Engineering Group, Inc. for phase one disinfection by-product control at Johnny G. Martinez Water Treatment Plant.](#)

**COMMENTS** Total amount of the construction contract with PCL Construction, Inc. is \$5,513,533, the construction management contract with Water Works Engineers, LLC is \$199,950, the design contract addendum with Jacobs Engineering Group, Inc. is \$66,148 and the amount of the project contingency is \$250,000.

**DOCUMENT NAME** 20111117pwdr01 JOHNNY G. MARTINEZ WATER TREATMENT PLANT (0811-03) PROJECT NO. 3204231

**APPROVED**

- B5. [Request approval to award one-year contracts, with four one-year renewal options, to Harris and Harris, LTD and NCO Financial Systems, Inc. for Collection Services to be utilized primarily by the Court, Finance & Technology and the Police departments.](#)

<b>COMMENTS</b>	Total estimated potential vendor revenue generated by these contracts will not exceed \$300,000 during the initial one-year contract period.
<b>DOCUMENT NAME</b>	20111117fsta01 PURCHASES (1004-01)

**APPROVED**

**C. Ordinances and Items for Introduction/First Hearing - These items will have two public hearings before final Council action**

- \*C1. [Introduction and first public hearing to adopt an ordinance for a Planned Area Development Overlay for FARMER STUDIOS located at 464 South Farmer Avenue. The second and final public hearing is scheduled for December 1, 2011.](#)

<b>COMMENTS</b>	Request for FARMER STUDIOS (PL110287) (Doug Brown/500 Fifth LLC, Property Owner; Jason Comer/Architekton, Applicant ) consisting of 25 existing residences within approximately 13,524 s.f., 13,537 s.f. of existing offices and a new 13,000 s.f. addition of a two-story office building over ground level covered parking. The approximately 40,061 s.f., on 2.06 net acres is located at 464 South Farmer Avenue in the MU-4 Mixed Use and R-3 Multi-Family Residential zoning districts. The request includes the following: PAD11012 (Ordinance No. 2011.51) – Planned Area Development Overlay for development standards to allow a parking reduction from 122 spaces to 101 spaces, a 50 foot building height, 8' setback on 5th Street, 0' setback on Farmer Avenue, 5' setback on the west and north for existing buildings, and a 10' setback for any new development taller than 20', with a required step back above 30' of building height and a landscape area reduction from 25% to 15%.
<b>DOCUMENT NAME</b>	20111117cddk01 PLANNED DEVELOPMENT (0406) ORDINANCE NO. 2011.51

**THE SECOND PUBLIC HEARING WAS SCHEDULED FOR DECEMBER 1, 2011**

**D. Ordinances and Items for Second Hearing/Final Adoption**

- \*D1. [Second and final public hearing to adopt an ordinance for an Amended Planned Area Development Overlay for The Fairfield At Tempe located at 708 South Lindon Lane.](#)

<b>COMMENTS</b>	Request for FAIRFIELD AT TEMPE (PL110251) (Larry R. Norris, Charles H. Cook Christian Training School, property owner; David Coble, Coe & Van Loo Consultants, Inc., applicant) consisting of a 304 unit apartment community including 321,725 s.f. building area on +/- 14.73 net acres, located at 708 S. Lindon Lane in the R-3R PAD, Multi-Family Residential Limited District and the R-4 PAD, Multi-Family Residential District. The request includes the following: PAD11011- (Ordinance No. 2011.48) - Amended Planned Area Development Overlay on +/- 14.73 net acres to modify development standards including a maximum building height increase from 30'-0" to 40'-0" and a front yard setback reduction from 20'-0" to 10'-0" to allow a tall front yard fence in the R-3R District and reduce the minimum separation requirement between pedestrian pathways to
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sleeping areas from 10' to 8' for portions of the site.  
**DOCUMENT NAME** 20111117cdsl01 PLANNED DEVELOPMENT (0406) ORDINANCE  
NO. 2011.48

**ADOPTED**

- \*D2. [Second and final public hearing to adopt an ordinance for a Planned Area Development Overlay, including Use Permits and Development Plan Review for DISCOVERY BUSINESS CAMPUS located at 2100 East Elliot Road.](#)

**COMMENTS**

Request for DISCOVERY BUSINESS CAMPUS (PL110130) (Tempe Campus SPV LLC, property owner; Gammage & Burnham, applicant) consisting of one (1) two-story office/industrial building, one (1) four-story office building, one (1) five-story office building, one (1) six-story office building, one (1) eight-story office building, two (2) six-story hotels with a combined total of 400 guest rooms, three (3) one-story restaurant/retail shop pads, one (1) three level parking structure, and eleven (11) existing industrial buildings with approximately 1,000,000 square feet of building area. The proposal has a total gross floor building area of approximately 2,580,000 square feet. The site is 135.62 net acres in size and is located at 2100 East Elliot Road, in the GID, General Industrial District and within the General Industrial Overlay District. The request includes the following: PAD11007 (ORDINANCE NO. 2011.47) – Planned Area Development Overlay modifying the general development standards for an increase in the maximum allowed building heights from 35 feet for Site #1 to 80 feet, for Site #2 to 80 feet, for Site #3 to 132 feet, and for Site #4 to 92 feet.

ZUP11063 – Use Permit request to allow Hotel uses on Site #1 and Site #2.

ZUP11064 – Use Permit request to allow general Retail/Restaurant uses on Site #5.

DPR11122 – Development Plan Review including site plan, building elevations and landscape for Sites #3, #4, and #6.

**DOCUMENT NAME** 20111117cdrl01 PLANNED DEVELOPMENT (0406) ORDINANCE  
NO. 2011.47

**ADOPTED WITH ADDITIONAL CONDITIONS**

**E. Resolutions**

- E1. [Request approval to adopt a resolution that authorizes the Mayor to execute an Intergovernmental Agreement between the Fort McDowell Yavapai Nation and the City of Tempe for the disbursement of a portion of its annual 12% monies from gaming proceeds from the July, 2011 grant cycle.](#)

**COMMENTS**

State law, A.R.S. §5-601.02, requires Fort McDowell Yavapai Nation and other Indian tribes to distribute twelve percent of its total annual contribution to local governments for government services which benefit the general public. Via the Intergovernmental Agreement and Funding Agreements, the City of Tempe will act as a pass through to

distribute funds to Central Arizona Shelter Services to which Fort McDowell Yavapai Nation has awarded a grant.

**DOCUMENT NAME** 20111117 craw STATE LEGISLATURE (0107-06), RESOLUTION NO. 2011.111

**ADOPTED**

- E2. [Request approval to adopt a resolution that authorizes the Mayor to execute a funding agreement between the City of Tempe and Central Arizona Shelter Services \(CASS\) for the disbursement of a portion of the Fort McDowell Yavapai Nation gaming proceeds from applications submitted to the Tribe July, 2011.](#)

**COMMENTS** State law, A.R.S. §5-601.02, requires Fort McDowell Yavapai Nation and other Indian tribes to distribute twelve percent of its total annual contribution to local governments for government services which benefit the general public. Via the Intergovernmental Agreement and Funding Agreements, the City of Tempe will act as a pass through to distribute funds to non-city organizations to which Fort McDowell Yavapai Nation has awarded a grant.

**DOCUMENT NAME** 20111117craw STATE LEGISLATURE (0107-06), RESOLUTION NO. 2011.112

**ADOPTED**

- E3. [Request approval to adopt a resolution that authorizes the Mayor to execute an Intergovernmental Agreement between the Salt River Pima-Maricopa Indian Community and the City of Tempe for the disbursement of a portion of its annual 12% monies from gaming proceeds from the July, 2011 grant cycle.](#)

**COMMENTS** State law, A.R.S. §5-601.02, requires Salt River Pima-Maricopa Indian Community and other Indian tribes to distribute twelve percent of its total annual contribution to local governments for government services which benefit the general public. Via the Intergovernmental Agreement and Funding Agreements, the City of Tempe will act as a pass through to distribute funds to eleven non-city organizations to which Salt River Pima-Maricopa Indian Community has awarded a grant.

**DOCUMENT NAME** 20111117craw STATE LEGISLATURE (0107-06), RESOLUTION NO. 2011.109

**ADOPTED**

- E4. [Request approval to adopt a resolution that authorizes the Mayor to execute funding agreements between the City of Tempe and eleven non-city recipients for the disbursement of a portion of the Salt River Pima-Maricopa Indian Community gaming proceeds for applications submitted to the Tribe July, 2011.](#)

**COMMENTS** State law, A.R.S. §5-601.02, requires Salt River Pima-Maricopa Indian Community and other Indian tribes to distribute twelve percent of its total annual contribution to local governments for government services which benefit the general public. Via the Intergovernmental Agreement and Funding Agreements, the City of Tempe will act as a

pass through to distribute funds to non-city organizations to which Salt River Pima-Maricopa Indian Community has awarded a grant.

**DOCUMENT NAME** 20111117craw STATE LEGISLATURE (0107-06), RESOLUTION NO. 2011.110

**ADOPTED**

- E5. [Request approval to adopt a resolution authorizing the renaming of a portion of Minton Drive to Jessica Lane.](#)

**COMMENTS** The Newberry Terrace plat approved by the City of Tempe and recorded by BWB Homes indicated the street name to be Minton Drive. The name change was requested by public safety personnel and by BWB Homes. The developer recorded an Affidavit of Change without the requisite City consent.

**DOCUMENT NAME** 20111117pwko04 STREET RENAMING (0809-14) RESOLUTION NO. 2011.103

**ADOPTED**

- E6. [Request approval to adopt a resolution to accept grant funding from the State of Arizona Department of Commerce Energy Office for the City of Tempe Public Works Department for the installation of an E85 alternate fuel tank and dispenser at the East Valley Bus Operation and Maintenance \(EVBOM\).](#)

**COMMENTS** For fiscal year 2011, the Arizona Department of Commerce Energy Office grant program has awarded the City of Tempe Public Works Department the amount of \$66,900 to encourage the use of biofuels by providing for the conversion of existing and installation of new storage and dispensing equipment specific to the dispensing of biodiesels blends (B6-B20), fuel ethanol (E85), or other approved biofuel dispensing sites in major population centers and communities.

**DOCUMENT NAME** 20111117pwaa01 TRANSPORTATION PLANNING (1101-01) RESOLUTION NO. 2011.114

**ADOPTED**

**6. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS/FUTURE AGENDA ITEMS**

**7. PUBLIC APPEARANCES**

According to the Arizona Open Meeting Law, the City Council may only discuss matters listed on this agenda. Matters discussed by the public during public appearances cannot be discussed by the City Council unless they are specifically listed on this agenda. There is a five-minute time limit per speaker. Speaker's visual aids or recorded tapes are not allowed.

Members of the public shall refrain from making personal, impertinent or slanderous remarks and from becoming boisterous while addressing the City Council or while attending the meeting. Unauthorized remarks from the audience, clapping, stomping of feet, yelling or any similar demonstrations are also prohibited. Violations of these rules may result in removal from the City Council meeting.



A. Scheduled

1. Citizens concerns regarding policing

B. Unscheduled

The City of Tempe endeavors to make all public meetings accessible to persons with disabilities. With 72 hours advance notice, special assistance can also be provided for sight and/or hearing impaired persons at public meetings. Please call (480) 350-2905 (voice) or (480) 350-2750 (TDD) to request an accommodation to participate in the City Council meeting.

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